# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/288,967 | 04/09/1999 | ANDREW J. KRASLAVSKY | 36J.P207 | 8073 |

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| EXAMINER |
|---|
| CHANG, JUNGWON |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | 14 |

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _13 January 2003_ .

2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-5,7-11 and 14-19_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5,7-11 and 14-19_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All  b)☐ Some *  c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _13_ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

1.      Claims 6, 12 and 13 have been canceled, and claims 1-5, 7-11 and 14-19 are

presented for examination.

### *Claim Rejections - 35 USC § 103*

2.      `The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 1-5, 7-11 and 14-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over HP JetSend Communications Technology, Section I: Architectural

Overview, Hewlett-Packard Company, 1997 (hereinafter HP).

4.      HP was cited by applicants in IDS (paper #2).

5.      As to claims 1, 14 and 19, HP discloses the invention substantially as claimed,

including a method for negotiating an exchange of image processing functionality

between first and second devices over a bi-directional communication link (page 1, lines

3-11), comprising the steps of:

communicating a function description between the first and second devices, the

function description including information concerning functionality available in the first or

second devices (Figure 2-4; page 13; page 5, lines 4-15);

negotiating an assignment of image processing functionality between the first

and second devices, with the overall image processing functionality effecting an image

transfer between the first and second devices (page 3, lines 20-26; page 5, lines 4-11;

page 21, lines 24-30); and

transferring device code that implements images processing functionality

between the first and second devices in a case where the negotiated assignment

indicates that functionality in one of the first and second devices is needed by the other

of the first and second devices, wherein device code is executed by the other of the

devices (page 2, lines 29-35).


6.      HP does not specifically use a word program code. However, HP discloses that

JetSend Protocols includes Device Code (Figure 2-3; page 11, line 33 to page 12, line

21), JetSend Protocol JetSend Interaction Protocol (page 11, lines 17-23), Jetsend

Session Protocol (page 11, lines 24-28; page 14), Message Transport Protocol (page

11, lines 29-32), JetSend Interaction Policies (page 11, lines 7-15) for exchanging

information, transferring function descriptions, and negotiating a particular class of data

between two devices (page 11, lines 17-23; page 11, lines 1-6). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

named the device code as program code because it allows two devices to choose their

preferred format from the ones offered.

7.    As to claims 11 and 18, HP discloses the invention substantially as claimed in

claims 1, 14 and 19. HP does not specifically disclose a network interface card.

However, HP discloses that two devices establish a direct, logical connection through a

LAN, the Internet, a phone line, direct cable connection (page, 1, lines 18-22); and

transports includes TCP/IP, SPX/IPX, IrDA, IEEE 1284, IEEE 1394 (Figure 2-3; page

10, lines 14-18). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to include NIC because it would provide a communication link

to support a local or wide area network by coupling to Ethernet, token ring, or other

types of physical attachment.

8.    As to claims 2, 5 and 7, HP discloses transferring image data

from the first device to the second device (page 1, lines 23-29); obtaining function code

descriptions for functionality (page 5, lines 4-15).

9.    As to claims 3 and 4, HP discloses determining alternative processing sequences

for image data transfer (page 12, lines 22-26); applying a cost function to each

alternative (page 6, lines 27-42); and selecting the alternative with the lowest cost

function (page 7, lines 1-9; page 9, lines 1-3).

10.     As to claim 8, it is rejected for the same reasons set forth in the rejection of

claims 11 and 18.


11.     As to claims 9 and 10, HP does not specifically disclose a storage medium for

storing computer executable processing. However, HP discloses the system has

protocol stacks: JetSend Interaction Protocol (page 11, lines 17-23), Jetsend Session

Protocol (page 11, lines 24-28; page 14), Message Transport Protocol (page 11, lines

29-32), JetSend Interaction Policies (page 11, lines 7-15) for storing computer

executable processing (Figure 2-3). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to storage medium because doing so

would provide for fast access to the data stored, thereby saving access time.


12.     As to claims 15-17, HP discloses transferring image data from the first device to

the second device (page 1, lines 23-29); obtaining function code descriptions for

functionality (page 5, lines 4-15).


## Conclusion

13.     The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Parsons et al, Negotiation through argumentation-a preliminary report, 1996,

Proceedings of the International Conference on Multi-Agent Systems, pages 267-274;

John Measows, An Introduction to the JetSend Protocol, January 2000, Embedded

Systems; Arnold et al, patent 6,502,000 B1 disclose JetSend Protocol, and negotiation

proceed by the exchange of information.

14.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jungwon  Chang whose telephone number is (703)305-

9669.  The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai  An can be reached on (703)308-9052.  The fax phone numbers for

the organization where this application or proceeding is assigned are (703)746-7239 for

regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)305-

3900.

Jungwon Chang
March 20, 2003

**ZARNI MAUNG**
**PRIMARY EXAMINER**